

Notice of Proposed Rule

DEPARTMENT OF TRANSPORTATION

RULE NO.: RULE TITLE:

14-46.001: Utilities Installation or Adjustment

PURPOSE AND EFFECT: Rule Chapter 14-46.001 is being amended to update material incorporated by reference.

SUMMARY: The proposed rule incorporates the most recent version of the Utility Accommodations Manual, providing permitting conditions for utilities in state right of way.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: changes to the incorporated materials do not have an adverse impact on economic growth, job creation or employment, private sector investment, or business competitiveness. A SERC was prepared on a prior similar version of the rule and found the costs associated with compliance were not regulatory, but based on the Department of Transportation's proprietary interest. The 2016 proposed rule version also imposes no regulatory cost.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 334.044(2), 337.401, 337.405, F.S.

LAW IMPLEMENTED: 337.401, 337.402, 337.403, 337.405, F.S.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Friday, August 26, 2016, 9:00 a.m.

PLACE: Florida Department of Transportation Auditorium
605 Suwannee Street, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 4 days before the workshop/meeting by contacting: Susan Schwartz, Assistant General Counsel, Florida Department of Transportation, 605 Suwannee Street, Tallahassee, Florida 32399-0458, 850-414-5392, susan.schwartz@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Schwartz, Assistant General Counsel, Florida Department of Transportation, 605 Suwannee Street, Tallahassee, Florida 32399-0458, 850-414-5392, susan.schwartz@dot.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

14-46.001 Utilities Installation or Adjustment

(1) No change.

(2) Permits.

~~(a)~~ FDOT will issue permits for the construction, alteration, operation, relocation, removal, and maintenance of utilities upon the right of way in conformity with the FDOT *Utility Accommodation Manual* (UAM), 2016 edition ~~August 2010 edition, FDOT Document No. 710-020-001-g, which is hereby incorporated by reference at~~ <https://www.flrules.org/Gateway/reference.asp?No=Ref-07392> ~~and made part of this rule. The UAM also incorporates by reference additional documents contained in the UAM Section 6.1, Incorporated References.~~ Copies of the UAM are available from the FDOT Maps and Publications Office at 605 Suwannee Street, MS 12, Tallahassee, Florida 32399-0450, or the FDOT Utility Web Site: [www.state.fl.us/programmanagement/utilities/](http://www.dot.state.fl.us/rddesign/utilities) ~~http://www.dot.state.fl.us/rddesign/utilities.~~ The following documents are hereby incorporated by reference and made a part of this rule:

(a) ~~(b)~~ The Utility Permit, Rev. 7/16 ~~08/10~~, is incorporated herein by reference at _____ and available from www.state.fl.us/programmanagement/utilities ~~the FDOT Utility Web Site listed above.~~

(b) Utility Work Schedule, Rev. 7/16, incorporated herein by reference at _____ and available from www.state.fl.us/programmanagement/utilities;

(c) Utility Work Estimate, 7/16, incorporated herein by reference at _____ and available from www.state.fl.us/programmanagement/utilities

(d) American Petroleum (API) Standard 1104 – Welding of Pipelines and Related Facilities, 20th Edition, October 2005, available at www.techstreet.com/api/products/1237425. Posting of this manual for public inspection would violate federal copyright law. A copy is available for public inspection during regular business hours at the Florida Department of Transportation, Program Management Office, 605 Suwannee Street, Tallahassee, Florida.

(e) Grades and Standards for Nursery Plants, Florida Department of Agriculture and Consumer Services, Division of Plant Industry, 2015 incorporated herein at <https://www.flrules.org/Gateway/reference.asp?No=Ref-06046> and available from www.state.fl.us/programmanagement/utilities.

(f) FDOT 2016 Design Standards, Indexes 546, 600, 601, 602, 603, 604, 605, 611, 612, 613, 615, 616, and 660, incorporated herein at <https://www.flrules.org/Gateway/reference.asp?No=Ref-06045> and available from www.state.fl.us/programmanagement/utilities.

(g) FDOT South Florida Rail Policy, Topic No. 000-725-003-j, effective 9/20/2007, incorporated herein at <https://www.flrules.org/Gateway/reference.asp?No=Ref-06031> and available from www.state.fl.us/programmanagement/utilities_

(h) American Society for Testing and Materials (ASTM) D1586-11 Standard Test Method for Standard Penetration Test (SPT) and Split-Barrel Sampling of Soils (2011) available at astm.org/standards/D1586.htm. Posting of this manual for public inspection would violate federal copyright law. A copy is available for public inspection during regular business hours at the Florida Department of Transportation, Program Management Office, 605 Suwannee Street, Tallahassee, Florida.

(i) American National Standards for Tree Care Operations – Tree, Shrub, and Other Woody Plant Management- Standard Practices (Pruning), ANSI A300 (Part 1) – 2008 Pruning, available at www.tcia.org. Posting of this manual for public inspection would violate federal copyright law. A copy is available for public inspection during regular business hours at the Florida Department of Transportation, Program Management Office, 605 Suwannee Street, Tallahassee, Florida.

(j) Florida Exotic Pest Plants Council's 2015 List of Invasive Plant Species, incorporated herein at <https://www.flrules.org/Gateway/reference.asp?No=Ref-06030> and available from www.fleppc.org.

Rulemaking Authority 334.044(2), 337.401, 337.405, FS. Law Implemented 337.401, 337.402, 337.403, 337.405, FS. History–New 5-13-70, Amended 8-10-78, 7-22-82, Formerly 14-46.01, Amended 7-5-90, 6-8-93, 10-15-96, 8-30-99, 11-10-05, 1-24-08, 1-30-11, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Thomas Bane, State Utilities Engineer

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jim Boxold, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 26, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 23, 2014